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DYN-6D-1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of)
Jeffery L. Hill et al.)
Ser. No. 09/352,192)

"Card Package Production
System Incorrect Card
Insertion Prevention and
Method"

RECEIVED
OCT 27 2000

)
Filed: July 12, 1999)
)

Examiner: Michael G. Lee
Group Art Unit: 2876

OFFICE OF PETITIONS

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)

Attention: Office of Petitions
Assistant Commissioner for Patents
Box DAC
Washington, D. C. 20231

Sir:

Applicant respectfully petitions for revival of the above-identified application for the reasons set forth below and in the attached declarations showing that the delay in responding was completely unavoidable.

Enclosed herewith are the following:


1. A full response to the Office Action of January 28, 2000, including (1) AMENDMENT B AFTER FINAL; (2) NOTICE OF APPEAL and (3) check in the amount of \$155⁰⁰ for the appeal filing fee.
2. Another check for \$55.00 as payment of the petition filing fee.
3. A change of address form.
4. Attached Declaration of James W. Potthast in support of the petition.
5. Attached Declaration of Paul Coler in support of the petition.

As shown in the attached declarations, the failure of the applicant to timely respond to the Office Action of January 28, 2000 was unavoidably caused by the Postal Service's failure to deliver the Action to the offices of the undersigned until September 25, 2000 together with numerous other items of delayed mail from the Patent and Trademark Office. Neither the applicant nor their attorney have any control over the

Postal Service, and the failure to timely respond is therefore entirely unavoidable.

All of the requirements being met, it is respectfully requested that the petition be granted.

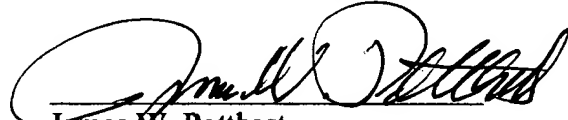
Respectfully submitted,


James W. Potthast,
Reg. No. 26,792

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Box DAC, Washington, D. C. 20231.

Date: Oct. 23, 2000


James W. Potthast



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In re application of) "Card Package Production
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Filed: July 12, 1999) Examiner: Michael G. Lee
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DECLARATION OF PAUL COLER IN SUPPORT OF PETITION FOR
REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNAVOIDABLY
UNDER 37 CFR 1.137(a)

I, Paul Coler, being duly warned of the consequences of
being untruthful, hereby truthfully declare as follows:

1. I am a paralegal in the employ of Law Offices of
Potthast & Associates at 2712 N. Ashland Avenue,
Chicago, Illinois and have been so employed for
several years. As part of my responsibilities, I
receive and open the mail when delivered by the U.S.
Postal Service.
2. On Monday September 25, 2000 our office received our
regular mail delivery at approximately 1:30 p.m.
consisting of approximately five to seven pieces of
mail, none of which was from the Patent and Trademark
Office.
3. Later that same day, at approximately 2:30pm I was
having a telephonic conversation when the door alarm
sounded indicating that the front door to the inner
foyer of our office was opened. A locked inner door
prevents people from coming into the main office, and
my office is situated at the back of the suite of
offices preventing a direct line of sight to the inner
foyer, and thus I could not see who had entered the
foyer while still on the telephone.
4. I therefore stopped my telephone conversation and
walked around my desk to peer out the door of my

office to see if any one was present in the foyer. All I saw was a bundle of mail lying on the floor of the foyer next to the exterior entry door.

5. Upon completion of the phone call, approximately two to three minutes later, I went into the foyer and recovered two large bundles of mail bounded by rubber bands.
6. The Postal Service has in the past made several late "Special Deliveries" on occasions that they have temporarily lost or forgotten the mail so I was not surprised. Also, in the past it failed to deliver mail for over a month due to their failure to put through a forwarding order that had been filed with them. During that time in March, all of our mail was held in a dead letter location until the error was corrected.
7. However, after I unbundled the mail, it became clear that all the mail was from the Patent and Trademark Office and some of it was post marked as early as January 2000. Others were post marked in February, March and June.
8. Included were some Office Actions that were not yet past due but some of the actions were already past due including the action in the present case which bore a date of January 28, 2000.
9. Later that day, I called our local Post Office Branch for an explanation to this delivery. They were not aware of any delivery and suggested I call the Main Branch in downtown Chicago.
10. When I called the Main Branch they said they were not aware of any delivery and suggested I call the supervisor the next day.
11. The morning, I spoke with the supervisor at the Main Branch immediately the next morning, but she had no explanation except that they may have come from dead letter storage and would look into the matter. During my follow up call to her the next day, she could offer no explanation to the delayed delivery of mail or why the delay was only of mail from the Patent and Trademark Office. Several of the actions were mailed

before we moved our office at the beginning of March, 2000.

12. Upon the return of my employer on September 27, 2000, Mr. James W. Potthast, I informed him of what happened, and since that time, we have been working on preparing responses and timely filing them before they too became abandoned, working on responses to actions that are past due and working on petitions to revive in this and in the several other cases that arrive at our office too late for us to timely respond, in addition to fulfilling our routine obligation, except for my absences from the office due to illness, and sitting for the **PATENT AGENCY EXAM**, and the absence of Mr. Potthast on prescheduled vacation.

13. We did receive a Notice of Abandonment in late August, 2000, and in response to that notice I made calls to the Examiner to find the reason for the abandonment so that we could respond, but the Examiner never advised us that there was an outstanding Office Action to which there was no response filed and never did provide us with a copy so that we could respond. We were unable to understand the Notice of Abandonment and were unable to respond to the Office Action until it arrived with the other mysterious bundle of mail on September 25, 2000.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful and false statements and the like so made are punishable fine or imprisonment or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Date: 10/23/00


Paul Coler



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**"Card Package Production
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Method"**

Filed: July 12, 1999)

**Examiner: Michael G. Lee
Group Art Unit: 2876**

**DECLARATION OF JAMES W. POTTHAST IN SUPPORT OF PETITION FOR
REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNAVOIDABLY
UNDER 37 CFR 1.137(a)**

I, James W. Potthast, being duly warned of the consequence of not telling the truth, do hereby truthfully declare and state as follows:

1. I have read the declaration of Paul Coler accompanying this petition and am informed and believe that all stated therein is true and factual.
2. I have no explanation of why the Postal Service would collect mail from the Patent and Trademark Office over a period of months and then deliver it all at once, anymore than I have an explanation of the other strange things that they sometimes do. In the past, delivery persons have been found with undelivered mail hidden in their homes or elsewhere, and it is possible that such mail was found and what appeared to be the more important pieces separated and finally delivered after discovery, but again this is mere speculation.
3. If we had been provided with a copy of the Action when we requested one from the Examiner, we would have been able to respond earlier, but I did not see a copy until September 27 and since that time I have been working diligently to avoid abandonment of other cases in which the Actions were not delivered until September 25, working on responses and petitions to revive in several other cases that became abandoned

unavoidably for the same reasons as set forth in this petition, as well as meeting other routine obligations except for six days of absence from the office on pre-scheduled vacation.

4. As in the past, we have complained bitterly to the Post Office concerning late deliveries, but ultimately we have no control over the service they provide or not provide as the case may be, and the failure to timely respond to the Office Action in this case was entirely unavoidable.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful and false statements and the like so made are punishable fine or imprisonment or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Date: _____

Oct. 23, 2000


James W. Potthast